



# City of Chicago



SO2020-161

Office of the City Clerk

## Document Tracking Sheet

**Meeting Date:** 1/15/2020

**Sponsor(s):** Waguespack (32)  
Sadlowski Garza (10)  
Cardenas (12)  
Martin (47)  
Rodriguez (22)  
Cappleman (46)  
Hadden (49)  
Sigcho-Lopez (25)  
La Spata (1)  
Nugent (39)  
Smith (43)  
Rodriguez Sanchez (33)  
Vasquez, Jr. (40)  
Osterman (48)  
Cardona, Jr. (31)  
Reboyas (30)  
Austin (34)  
Gardiner (45)  
Hopkins (2)

**Type:** Ordinance

**Title:** Amendment of Municipal Code Title 7 by adding new Chapter 7-60 entitled "Plastic-Free Water Ordinance"

**Committee(s) Assignment:** Committee on Finance

**CHAPTER 7-60  
PLASTIC-FREE WATER ORDINANCE**

**7-60-010 Definitions.**

As used in this chapter:

“Accessory disposable food serviceware” means stirrers, napkins, cup sleeves, tops, lids or closures for cups, spill plugs, forks, knives, spoons, sporks, and condiment cups designed and intended by the manufacturer and generally recognized as for one usage only, then to be discarded. This definition does not include straws.

“Department” refers to the Department of Public Health.

“Disposable food serviceware” means containers, clamshells, bowls, plates, trays, cartons, and cups designed and intended by the manufacturer and generally recognized as for one usage only, then to be discarded.

“Expanded polystyrene” means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer sphere (expandable bead foam), injection molding, foam molding, and extrusion-blown molding (extruded foam polystyrene). This definition does not include rigid polystyrene.

“Food dispensing establishment” has the same definition as ascribed to this term in Section 4-8-010 of the Municipal Code of Chicago. Food dispensing establishment does not include charitable food dispensing establishments or mobile food vendors, as those terms are defined in Section 4-8-010 of the Municipal Code of Chicago.

“Prepared food” means foods or beverages which are prepared and served by a food dispensing establishment on the licensed premises by cooking, chopping, slicing, mixing, freezing, squeezing, or other processing and which require no further preparation for human consumption. Prepared food does not include raw, uncooked whole fruits or vegetables which are not chopped, squeezed, or mixed, or raw uncooked meat products.

“Third-party food delivery service” means any website, mobile application, or other internet service that offers or arranges for the sale of food and beverages prepared by, and the delivery or pick-up of food and beverages, no fewer than 20 food dispensing establishments in the City that are each owned and operated by different persons.

**7-60-020 Expanded polystyrene disposable food serviceware – Prohibited.**

(a) No food dispensing establishment shall sell, offer to sell, or serve prepared food in expanded polystyrene disposable food serviceware.

(b) Subsection (a) of this section shall not apply to:

(1) Food or beverages that are filled and sealed in expanded polystyrene containers prior to receipt by the food dispensing establishment, or to materials used to package raw, uncooked, or butchered meat, fish, poultry, or seafood for off-premises consumption.

(2) Food dispensing establishments with less than 50 workers.

**7-60-030 Accessory disposable food serveware – Additional restrictions.**

(a) Accessory disposable food serveware items shall be provided by food dispensing establishments only upon request by the customer or at a self-serve station. Plastic drinking straws shall be provided when specifically requested.

(b) Food dispensing establishments shall post a sign which indicates that accessory disposable food serveware will be made available to the customer upon request or at a self-serve station. The sign shall be made available in any language to satisfy the provisions of Chapter 2-40 of this Code.

(c) Food dispensing establishments and third-party food delivery services shall provide options for customers to affirmatively request accessory disposable food serveware items separate from the order for food and beverages across all ordering or point of sale platforms, including but not limited to websites, mobile applications, and other internet services; telephone; and in-person.

(d) Accessory disposable food serveware items provided at a self-serve station or when requested by customers may not be packaged in plastic.

(e) The following exemptions apply:

(1) Food dispensing establishments and third-party food delivery services may include lids, spill plugs, and cup sleeves for the delivery of beverages.

(2) Food dispensing establishments may provide accessory disposable food serveware items that are packaged with food or beverages by the manufacturer prior to receipt by the food dispensing establishment.

**7-60-030 Enforcement.**

(a) The commissioner of the Department is authorized to promulgate any other rules and regulations necessary to implement the requirements of this chapter.

(b) Beginning July 1, 2022, food dispensing establishments found in violation of this chapter will be subject to the following penalties administered by the Department:

- (1) A written warning notice for the first violation,
- (2) \$250 for the second violation,
- (3) \$500 for the third violation,
- (4) \$1,000 for each subsequent violation.

(c) Each day that a violation continues shall constitute a separate and distinct offense.

**7-60-040 No private right action.**

Nothing in this chapter shall be construed to create a private right of action.

**SECTION 3.** Pursuant to Section 1-4-200 of the Municipal Code of Chicago, any invalid provision or invalid application of this chapter is severable.

**SECTION 4.** The provisions of this ordinance shall take full force and effect on January 1, 2022.



Alderman Scott Waguespack  
32<sup>nd</sup> Ward